



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/529,765	06/21/2000	HIROMICHI ITO	SHIBP004	3415

22434 7590 03/30/2004

BEYER WEAVER & THOMAS LLP
P.O. BOX 778
BERKELEY, CA 94704-0778

EXAMINER

FREJD, RUSSELL WARREN

ART UNIT	PAPER NUMBER
----------	--------------

2128

8

DATE MAILED: 03/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/529,765

Applicant(s)

ITO, HIROMICHI

Examiner

Russell Frejd

Art Unit

2128

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 October 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 6 and 7 is/are rejected.
- 7) ☐ Claim(s) 3-5 and 8-11 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 5 and 6.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Art Unit: 2128

Examination of Application #09/529,765

1. Claims 1-11 of application 09/529,765, filed on 21-June-2000, are presented for examination.

Claim Rejections under 35 U.S.C. § 112, 2nd Paragraph

2. Claims 1 and 6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrase *said various data* [line 12] lacks antecedent basis.

Claim Rejections under 35 U.S.C. § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

- 3.1 Claims 1, 2, 6 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by the article authored by Alfares et al., hereinafter Alfares, entitled *An Integrated System for Computer-Aided Design and Construction of Reinforced Concrete Buildings Using Modular Forms*.
- 3.2 Alfares disclosed the invention as claimed, including an integrated computer-based system for the automation of on-site reinforced concrete construction [p. 323, col. 2] comprising:
In regard to claims 1 and 6, a Computer-Integrated Construction (CIC system [Abstract],

Art Unit: 2128

including an input module for interfacing CAD and Computer-Aided Process Planning (CAPP) [p. 335, Sec. 4.2], including shape and location data [Fig. 9] (*applicant's input means*);

2D or 3D graphical representations for each construction stage [p. 331, col. 2] (*applicant's 2D diagram constructing means and 3D modeling means*), allowing the designer to add/remove various modular forms or tools [p. 334, col. 1] (*supplemental data*), displaying the 3D view of the modular form on location [p. 327, col. 2 through p. 331, col. 1, and Fig. 10] (*projecting the diagram onto a plane*);

displaying a 2D graphical representation [p. 331, col. 2];

a database for storing the 3D representations of the building [p. 328, col. 2];

determining the strength of the concrete [p. 326, col. 1] (*claim 1*);

determining the cost [Fig. 9] (*claim 6*); and

CAPP processing integrated within the CIC system for automatically generating the activity network [p. 335, col. 2] (*second station processing means*).

In regard to claim 2, determining the cost [Fig. 9].

In regard to claim 7, determining the strength of the concrete [p. 326, col. 1].

Claim Objections

4. The remaining claims 3-5 and 8-11 are objected to for incorporating the rejection of their respective base claims by dependency.

Response Guidelines

5. A shortened statutory period for response to this action is set to expire **3 (three) months and 0 (zero) days** from the date of this letter. Failure to respond within the period for response will cause the application to become abandoned (see MPEP 710.02, 710.02(b)).

Art Unit: 2128

6. Any response to the Examiner in regard to this non-final action should be

directed to: Russell Frejd, telephone number (703) 305-4839, Monday-Friday from 0630 to 1500 ET, or the examiner's supervisor, Kevin Teska, telephone number (703) 305-9704. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist, telephone number (703) 305-3900.

mailed to: Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to: (703) 872-9306

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Date: 18-March-2004

RUSSELL FREJD

RUSSELL FREJD
PRIMARY EXAMINER